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November 4, 2004

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 1645**

Re: U.S. Utility Patent Application  
Application No. 10/070,764 § 371 Date: March 12, 2002  
For: **Preparation of Highly Pure Toxin Fragments**  
Inventors: Chaddock *et al.*  
Our Ref: 1581.0900000/RWE

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Restriction Requirement; and
2. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Aaron L. Schwartz  
Agent for Applicants  
Registration No. 48,181

ALS/law  
Enclosures  
330910v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chaddock *et al.*

Appl. No.: 10/070,764

§ 371 date: March 12, 2002

For: **Preparation of Highly Pure Toxin  
Fragments**

Confirmation No.: 2729

Art Unit: 1645

Examiner: Devi, Sarvamangala J N

Atty. Docket: 1581.0900000/RWE/ALS

**Reply to Restriction Requirement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated October 4, 2004, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 22-30 and 37-40. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse. Applicants respectfully point out that the application was considered to have unity of invention during the international phase. Since a search and examination has already been carried out during the international phase, it would place absolutely no burden on the examiner to examine all of the present claims. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees

required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'A. Schwartz', with a large, stylized flourish extending from the end.

Aaron L. Schwartz  
Agent for Applicants  
Registration No. 48,181

Date: November 4, 2004

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